REMARKS

Applicant thanks the Examiner for review of the present application. Claims 1-29 were pending in the present application, and Claims 2, 6, 26, and 28 have been canceled herein.

The Office Action of February 26, 2007, rejects all Claims 1-29. Claims 1-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 6,301,586 to Yang ("the Yang patent"). Claim 1 is also rejected under 35 U.S.C. § 112, first paragraph. Claims 7 and 9 are objected to because of certain informalities. Claims 1 and 22 are also rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1 and 11 of co-pending Application no. 10/715,162. The Office Action also objects to informalities in the specification.

Applicant has amended independent Claims 1, 22, and 24 to incorporate aspects of dependent Claims 6 and 28, including any intervening claims, and to more clearly, definitively, and fully claim the subject matter which Applicant regards as the invention and to place the claims in condition for allowance. Furthermore, Claims 3-5, 7-21, 23, 25, 27, and 29 have been amended to cure minor informalities. Applicant further notes that the proposed amendments do not necessitate a new search or any undue effort for the Examiner, as they do not present new subject matter.

Applicant has amended the specification pursuant to the Examiner's comments in the Office Action, and accordingly, it is believed that such objections should be withdrawn. Applicant also notes that, like Claim++ the term Java is the full name of the programming language and not an acronym.

Applicant presents the following remarks in response to the rejections of the Office Action and respectfully submits that the rejections of the Office Action are overcome and should be withdrawn for at least the following reasons.

DOUBLE PATENTING REJECTION

The Office Action rejects Claims 1 and 22 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 and 11 of co-pending Application no. 10/715,162. The Office Action also attempts to reject Claims 1, 21, 24, and 35 of co-pending Application no. 10/792,175 under obviousness-type double patenting over Claims 1, 5, 7, 11, and 13 of co-pending Application no. 10/715,162. And the Office Action also attempts to reject Claims 1, 4, 37, and 39 of co-pending Application no. 10/715,187 under obviousness-type double patenting over Claims 1, 11, and 13 of co-pending Application no. 10/715,162, neither of which are the present application.

Applicant submits a terminal disclaimer to overcome the rejection of Claims 1 and 22 of the present application in view of Claims 1 and 11 of co-pending Application No. 10/715,162. Applicant does not find it appropriate to respond in prosecution of the present application regarding the attempted rejection of claims in other applications.

REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The Office Action rejects Claim 1 under § 112, first paragraph for being a single means claim. Applicant has amended independent Claim 1 to more clearly and definitively claim a computer program product.

Independent Claim 1 as amended recites a "computer program product comprising a computer-useable medium having computer-readable instructions embodied thereon for providing access to media files on a digital device." Applicant finds enabling support for these amendments in the specification as originally filed, such as at page 8, line 23 – page 9, line 10, page 21, ll. 16–23, and Figure 6.

In view of the present amendments to the claims and the above remarks, Applicant respectfully submits that the § 112 rejection of Claim 1 is overcome.

CLAIM OBJECTIONS

The Office Action objects to Claims 7 and 9 for not having proper antecedent basis for the term "the centerline." Applicant has amended Claim 7 herein to cure such informalities, and Applicant asserts that there is proper antecedent basis for the language of Claim 9 in Claim 8. Accordingly, it is respectfully requested that this objection be withdrawn.

REJECTION UNDER 35 U.S.C. § 102(b)

The Office Action rejects Claims 1-29 under § 102(b) as anticipated by the Yang patent. To more clearly and definitively claim the subject matter that Applicant regards as the invention and to place the claims in condition for allowance, Applicant has amended independent Claims 1, 22, and 24. Each of these claims as amended recites additional structural limitations relating to the claimed structure being configured to achieve the recited functional limitation. Applicant submits that the Yang patent does not disclose the additional limitations now recited by amended Claims 1, 22, and 24, specifically "automatically altering the browse speed when a desired media file is approached or is within the media view." The Yang patent is limited to allowing the user to browse through entries within the system using scroll bars (*See* col. 21, ll. 60-65), and the system disclosed in Yang does not "automatically alter the speed of the browsing" based on the current or future displayed entries. The Yang patent additionally discloses that the "Album Slide Show" functionality allows the speed of the slide show to be changed (*See* col. 14, line 49), yet there is no suggestion in the reference that the speed of the slide show is changed "when a desired media file is approached or is within the media view." Accordingly, both browsing methods disclosed in the Yang patent require that the user control the browse speed, and thus it does not disclose that the system may "automatically alter" the browse speed, much less "automatically alter the speed of the browsing when ... a

media file is approaching or currently in the media view." The present invention, however, discloses that the browsing speed may be adjusted depending on the presence of a media file type that is approaching or will be approaching in the media view of the system. Accordingly, as disclosed in the instant specification, the system may browse quickly between files but slow down the view when a relevant file type is approaching the display window (*see e.g.*, page 19, ll. 14–23). Thus, it is apparent that the Yang patent is silent with regard to such novel aspects and does not anticipate the invention as claimed.

Accordingly, in view of the present amendments to independent Claims 1, 22, and 24, Applicant submits that all of Claims 1, 3-5, 7-25, 27, and 29 are patentable and in condition for allowance and that the § 102(b) rejection is respectfully overcome.

Conclusion

In view of the foregoing comments, Applicant submits that all of the pending claims of the present application, as amended, are in condition for allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper, such as fees for a request for an extension of time. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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